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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,700	10/03/2000	Birgitte Hansen	36636-166652	1109
26694	7590	10/21/2003	EXAMINER	
VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998				HORTON, YVONNE MICHELE
ART UNIT		PAPER NUMBER		
		3635		

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>09/647,700</b>	Applicant(s) <b>Birgitte Hansen et al.</b>
Examiner <b>YVONNE M. HORTON</b>	Art Unit <b>3635</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Jul 21, 2003.

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-14 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-3, 7, and 10 is/are rejected.

7)  Claim(s) 4-6, 8, 9, and 11-14 is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on Oct 3, 2000 is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

6)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “glazing profile” must be ***more clearly*** shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: In claim 1, line 8, “a” should be --an--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-14 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 details that the cap member is “dismountably retained solely by the upper cap”; however, this does not appear to be so in the Figures or the disclosure. Page 7, of the specification details that the cap is retained by the upper member (32) and by connection member

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(22), groove (22a), and screws (29). Hence, this does not appear to be “solely” dismountably retained. Clarification and correction are required.

Also, claim 1 details that the cap member (32) is formed at its lower end with a bent, hidden engagement means (25,26); however, the bent, hidden engagement means (25,26) is formed at the lower end of the lower cap (21). The upper cap (20) has a connection member (23) formed at its upper end; however, this connection member is not bent or hidden. Clarification and correction are required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. In lieu of the 35 USC 112 rejections noted above, claims 1-3,7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Swedish Patent #374578. 374578 discloses the use of a window including top as at (12), a bottom as at (13) and opposing side members as at (10,11) wood profile members covered by a weather shield cover (12,13,14,15), engaging and securing means (20,21); wherein the weather shield cover includes an upper cap (16a-c), an interior glazing profile (41), an exterior cover member (13) and a cap member (14,15) that has an integral bent and hidden engagement means (B), see the marked attachment of Figure 8. Regarding claim 2, the cap (14) pivots, see figure 7. In reference to claim 3, the cap is secured to an upper

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portion (12) a lower portion (13) and side portions (15) of an opening (11) by fasteners (F) and securing means (20,21) and (38), see marked attachment. The cap member consists of an upper cap (16a-c) and lower caps (14,15). Regarding claims 7 and 10, the cap is U-shaped with integral bottom (B) and side walls (S).

***Allowable Subject Matter***

7. Claims 4-6,8,9 and 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

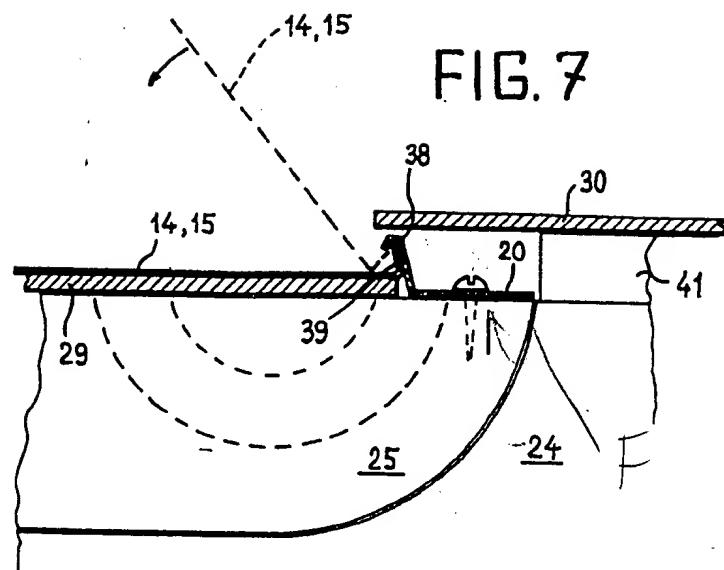
8. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the revised ground(s) of rejection indicated above.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.

  
Yvonne M. Horton  
Patent Examiner  
Art Unit 3635  
October 20, 2003

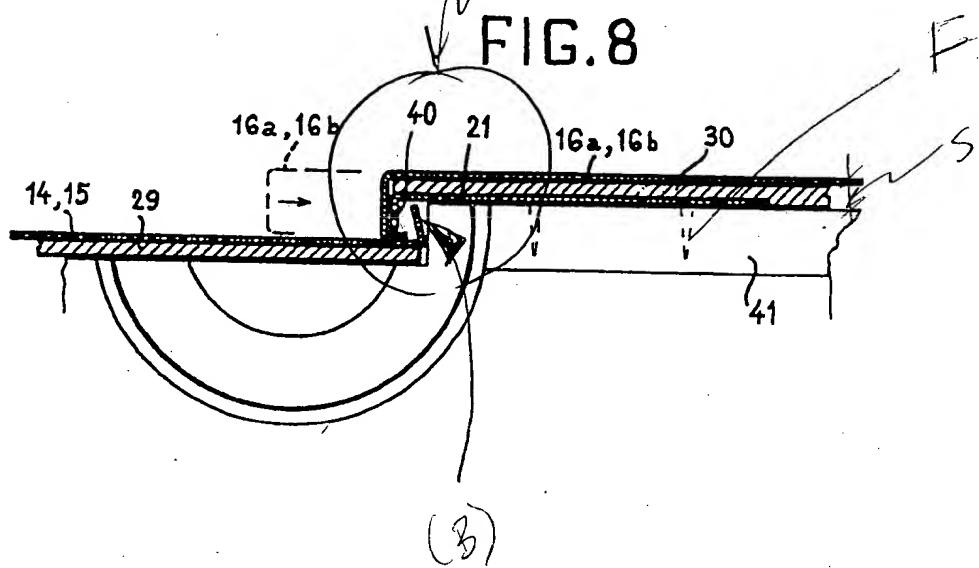
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FIG. 7



CONTACT  
AREA

FIG. 8



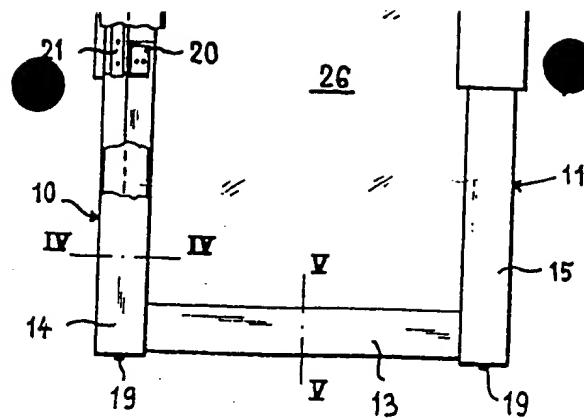


FIG. 6

